

**THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:) Chapter 11
GALLERIA 2425 OWNER, LLC,) Case No. 23-34815
Debtor.)

NOTICE OF APPEAL

Notice is hereby given that Creditor 2425 WL, LLC (“Appellant”) appeals to the United States District Court for the Southern District of Texas from the following orders:

- a. Order Disallowing Proof of Claim and Referral to United States Attorney (the “Disallowance Order”) dated September 9, 2024 (Dkt. No. 717), attached as Exhibit 1; and
- b. the Order Denying Motion to Reconsider (the “Reconsideration Order”) dated September 24, 2024 (Dkt. No. 743), attached as Exhibit 2.

2425 WL, LLC is a creditor in this bankruptcy case.

The other parties to the appeal and their attorneys include the following:

Galleria 2425 Owner, LLC	Reese W Baker
<i>Debtor</i>	Baker & Associates
	950 Echo Lane
	Suite 300
	Houston, TX 77024
	713-869-9200
	Fax : 713-869-9100
	courtdocs@bakerassociates.net

James Q. Pope
The Pope Law Firm
6161 Savoy Drive
Ste 1125
Houston, TX 77036
713-449-4481
ecf@thepopelawfirm.com

Jeffrey W Steidley
Steidley Law Firm
3000 Weslayan
Ste 200
Houston, TX 77027
713-523-9595
Jeff@texlaw.us

Christopher R Murray,
Trustee

Christopher R Murray
Jones Murray LLP
602 Sawyer St
Ste 400
Houston, TX 77007
832-529-1999
Fax : 832-529-3393
chris@jonesmurray.com

R. J. Shannon
Kyung Shik Lee
Shannon & Lee LLP
2100 Travis Street, STE 1525
Houston, TX 77002
713-714-5770
rshannon@shannonleellp.com
klee@shannonleellp.com

Office of the US Trustee

Jana Smith Whitworth
Office of United States Trustee
515 Rusk Street, Suite 3516
Houston, TX 77002
(713) 718-4650
Fax : (713) 718-4670
jana.whitworth@usdoj.gov

National Bank of Kuwait-New York Charles C. Conrad

Branch	Ryan Steinbrunner Pillsbury Winthrop Shaw Pittman 609 Main Street Suite 2000 Houston, TX 77002 Telephone: (713) 276-7600 Facsimile: (713) 276-7634 charles.conrad@pillsburylaw.com ryan.steinbrunner@pillsburylaw.com
<i>Plan proponent</i>	Andrew M. Troop Patrick E. Fitzmaurice Kwame O. Akuffo Pillsbury Winthrop Shaw Pittman 31 West 52nd Street New York, NY 10019-6131 Telephone: (212) 858-1000 Facsimile: (212) 858-1500 andrew.troop@pillsburylaw.com patrick.fitzmaurice@pillsburylaw.co

This appeal is timely pursuant to Fed. R. Bankr. Pr. 8002(a)(1) & 8002(b)(1)(B)-(D) because the Appellant timely filed a motion for reconsideration and relief from judgment on September 23, 2024 (*see* Dkt. N. 740), 14 days after the Disallowance Order was entered (*see* Dkt. No. 717). That motion for reconsideration was denied by order entered on September 24, 2024. (*See* Dkt. No. 743.) And this notice is filed within 14 days from the entry of that order.

While the Bankruptcy Court concluded that the motion for reconsideration was untimely (*see* Dkt. No. 743 at 1), that conclusion was incorrect. The Bankruptcy Court may have been correct that the original order denying Proof of Claim was entered “*after* an evidentiary hearing” conducted on “September 6, 2024” (*id.*), but the order itself was not entered on September 6. Instead, it was entered on September 9, 2024. (*See* Dkt. No. 717.) Furthermore, Appellant’s motion for reconsideration was not filed on “September 24, 2024,” as the Bankruptcy Court believed (Dkt. No. 743 at 1), but rather on September

23, 2024 (*see* Dkt. No. 740). And that means the motion was timely filed pursuant to Rule 8002(b)(1).

Respectfully submitted,

/s/ J. Carl Cecere

J. Carl Cecere
State Bar No. 13268300
(admitted pro hac vice)
Cecere PC
6035 McCommas Blvd.
Dallas, TX 75206
Telephone: 469-600-9455
ccecer@cecerepc.com

*Attorney for 2425 WL, LLC and
Ali Choudhri*

CERTIFICATE OF SERVICE

The undersigned certifies that on this 7th day of October, 2024, a true and correct copy of the foregoing was served on the following in accordance with the CM/ECF e-filing system, and upon all others who have consented to service in this case by registering to receive notices in this case through the CM/ECF e-filing system.

Reese W Baker
Baker & Associates
950 Echo Lane, Ste 300
Houston, TX 77024
(713) 869-9200
Fax : (713) 869-9100
courtdocs@bakerassociates.net

James Q. Pope
The Pope Law Firm
6161 Savoy Drive
Ste 1125
Houston, TX 77036
(713) 449-4481
ecf@thepopelawfirm.com

Jeffrey W Steidley
Steidley Law Firm
3000 Weslayan St., Ste 200
Houston, TX 77027
(713) 523-9595
Jeff@texlaw.us

Christopher R. Murray
Jones Murray LLP
602 Sawyer St., Ste 400
Houston, TX 77007
(832) 529-1999
Fax: (832) 529-3393
chris@jonesmurray.com

R. J. Shannon
Shannon & Lee LLP
2100 Travis St, Ste 1525
Houston, TX 77002
(713) 714-5570
rshannon@shannonleellp.com

Kyung Shik Lee
Shannon and Lee LLP
2100 Travis St., Ste. 1525
Houston, TX 77002
(713) 301-4751
klee@shannonleellp.com
Charles C. Conrad
Ryan Steinbrunner
Pillsbury Winthrop Shaw Pittman
609 Main St. Ste 2000
Houston, TX 77002
(713) 276-7600
Fax: (713) 276-7634
charles.conrad@pillsburylaw.com
ryan.steinbrunner@pillsburylaw.com

Andrew M. Troop
Patrick E. Fitzmaurice
Kwame O. Akuffo
Pillsbury Winthrop Shaw Pittman
31 West 52nd Street
New York, NY 10019-6131
(212) 858-1000
Fax: (212) 858-1500
Andrew.troop@pillsburylaw.com
Patrick.fitzmaurice@pillsburylaw.com

/s/ J. Carl Cecere

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